

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BRANDON CARTER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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1:23-CV-724-RP
[1:20-CR-203-RP-3]

ORDER

Before the Court is Petitioner Brandon Carter’s (“Carter”) Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. (Dkt. 259). Carter filed his motion on June 26, 2023. (*Id.*). The case was referred to United States Magistrate Judge Susan Hightower for findings and recommendations, pursuant to 28 U.S.C. § 636(b). Judge Hightower filed her report and recommendation on February 20, 2024. (Dkt. 273). In her report and recommendation, Judge Hightower recommends that the Court dismiss Carter’s motion. (*Id.*). Carter filed objections to the report and recommendation. (Dkt. 276).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Carter objected to each portion of the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Carter’s objections and adopts the report and recommendation as its own order.

Accordingly, **IT IS ORDERED** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 273), is **ADOPTED**. Carter’s Motion Under 28 U.S.C. §

2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody, (Dkt. 259), is **DENIED**.

It is **FURTHER ORDERED** that a certificate of appealability is **DENIED**.

SIGNED on March 27, 2024.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE